

1 PETER P. EDRINGTON, Esq. (074355)  
2 DOLORES M. DONOHÖE, Esq. (111432)  
3 EDRINGTON, SCHIRMER & MURPHY LLP  
4 2300 Contra Costa Boulevard, Suite 450  
5 Pleasant Hill, CA 94523-3936  
6 Telephone: (925) 827-3300  
7 Facsimile: (925) 827-3320

8 Attorneys for Defendants COUNTY OF CONTRA COSTA,  
9 JACK RODGERS, TOM POTTS

10 UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 AMBER DUTRO, GLENDA STRIPES,  
13 SARAH DUTRO, MARTHA McKNELLY,  
14 FRANCES SMITH, and CHRISTINA  
15 MOORE,

16 Plaintiffs,

17 vs.

18 COUNTY OF CONTRA COSTA,  
19 CALVERY OPEN BIBLE CHURCH, CITY  
20 OF ANTIOCH, ART ACOSTA,  
21 DEMETREE BARAKOS, WILLIAM DEE,  
22 JACK ROGERS, TOM POTTS, MARK  
23 WOOD, ANTHONY LEE, and ROES 11 -  
24 100,

25 Defendants.

2012 FILED  
NOV 12 2012  
CV NO. 12 2972

NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. §1441(b)  
(FEDERAL QUESTION)

Contra Costa County Superior Court  
Case Number: MSC11-02801

E-Filed

26 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

27 PLEASE TAKE NOTICE that all defendants hereby remove to this Court the state court  
28 action described below.

1. On December 7, 2011, an action was commenced in the Superior Court of the  
State of California in and for the County of Contra Costa, entitled *Jane Roe I, et al., v. Roe  
Organization I, et al.*, as Case No. C11-02801.

2. Pursuant to court order, a First Amended Complaint was filed on May 7, 2012, in  
which the Doe Plaintiffs' real identities were set forth, and the Roe Defendants' real identities

1 were set forth in the caption and pleadings. Attached hereto as Exhibit A is a true and correct  
2 copy of said First Amended Complaint.

3 3. This action is a civil action of which this court has original jurisdiction under 28  
4 U.S.C. §1331, and is one which may be removed to this court by defendants pursuant to the  
5 provision of 28 U.S.C. §1441(b) in that it arises under Federal Statute, 42 U.S.C. §1983.

6 4. The first date upon which any defendant was served with a copy of any complaint  
7 was May 11, 2012, when counsel for Defendants Calvary Open Bible Church, Mark Wood and  
8 Anthony Lee accepted service of the First Amended Complaint on their behalf. Copies of the  
9 Notices and Acknowledgment of Receipt are attached hereto as Exhibit B.

10 5. Counsel for defendants City of Antioch, Art Acosta, William Dee and Demitri  
11 Barakos accepted service of the First Amended Complaint on their behalf on May 15, 2012.  
12 Copies of the Notices and Acknowledgment of Receipt are attached hereto as Exhibit C.

13 6. Counsel for defendants Jack Rodgers and Tom Potts accepted service of the First  
14 Amended Complaint on their behalf on May 21, 2012. Copies of the Notices and  
15 Acknowledgment of Receipt are attached hereto as Exhibit D.

16 7. The County was served on May 17, 2012. A copy of the Summons is attached as  
17 Exhibit E.

18 8. All defendants who have been properly served are jointly filing this Notice of  
19 Removal.

20 9. Copies of all other pleadings filed in the state court action are attached hereto as  
21 Exhibits F-G to this Notice of Removal.

22 10. Attached hereto as Exhibit F is a copy of Order Following in Camera Review with  
23 Certificate of Mailing filed February 21, 2012.

24 11. Attached hereto as Exhibit G is a copy of (Sealed) In Camera Application to  
25 Amend Complaint to Identify Fictitious Defendants Received.

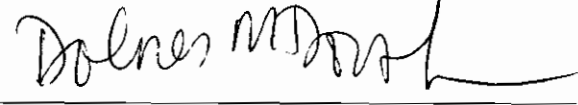
26 12. Attached hereto as Exhibit H is a copy of Certificate of Merit and Declaration of  
27 Runckel Re: Defendant Roe Organization.

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DATED: 4/6/12

EDRINGTON, SCHIRMER & MURPHY LLP

By 

Dolores M. Donohoe  
Attorney for Defendants COUNTY OF  
CONTRA COSTA, JACK RODGERS,  
TOM POTTS

Defendants CITY OF ANTIOCH, WILLIAM DEE, ART ALCOSTA, and DIMITRI  
BARAKOS hereby join in this Notice.

DATED:

BERTRAND, FOX & ELLIOT

By \_\_\_\_\_

Gregory M. Fox  
Ilana Kohn  
Attorney for Defendants CITY OF  
ANTIOCH, WILLIAM DEE, ART  
ALCOSTA, and DIMITRI BARAKOS

Defendants CALVARY OPEN BIBLE CHURCH, MARK WOOD and ANTHONY LEE  
hereby join in this Notice.

DATED:

BOWMAN & BERRETH

By \_\_\_\_\_

Mark C. Bowman  
Kevin J. Berreth  
Attorneys for CALVARY OPEN BIBLE  
CHURCH, MARK WOOD and  
ANTHONY LEE

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DATED:

EDRINGTON, SCHIRMER & MURPHY LLP

By \_\_\_\_\_

Dolores M. Donohoe  
Attorney for Defendants COUNTY OF  
CONTRA COSTA, JACK RODGERS,  
TOM POTTS

Defendants CITY OF ANTIOCH, WILLIAM DEE, ART ALCOSTA, and DIMITRI  
BARAKOS hereby join in this Notice.

DATED: 6/6/12

BERTRAND, FOX & ELLIOT

By \_\_\_\_\_

Gregory M. Fox  
Ilana Kohn  
Attorney for Defendants CITY OF  
ANTIOCH, WILLIAM DEE, ART  
ALCOSTA, and DIMITRI BARAKOS

Defendants CALVARY OPEN BIBLE CHURCH, MARK WOOD and ANTHONY LEE  
hereby join in this Notice.

DATED:

BOWMAN & BERRETH

By \_\_\_\_\_

Mark C. Bowman  
Kevin J. Berreth  
Attorneys for CALVARY OPEN BIBLE  
CHURCH, MARK WOOD and  
ANTHONY LEE

1 DATED:

EDRINGTON, SCHIRMER & MURPHY LLP

2

3

By \_\_\_\_\_

Dolores M. Donohoe  
Attorney for Defendants COUNTY OF  
CONTRA COSTA, JACK RODGERS,  
TOM POTTS

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6

Defendants CITY OF ANTIOCH, WILLIAM DEE, ART ALCOSTA, and DIMITRI

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BARAKOS hereby join in this Notice.

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9

DATED:

BERTRAND, FOX & ELLIOT

10

By \_\_\_\_\_

Gregory M. Fox  
Ilana Kohn  
Attorney for Defendants CITY OF  
ANTIOCH, WILLIAM DEE, ART  
ALCOSTA, and DIMITRI BARAKOS

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Defendants CALVARY OPEN BIBLE CHURCH, MARK WOOD and ANTHONY LEE

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hereby join in this Notice.

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DATED: 6-6-12

BOWMAN & BERRETH

19

By \_\_\_\_\_



Mark C. Bowman  
Kevin J. Berreth  
Attorneys for CALVARY OPEN BIBLE  
CHURCH, MARK WOOD and  
ANTHONY LEE

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FILED

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K. TORRES  
COUNTY CLERK  
BY \_\_\_\_\_

1 Jason O. Runckel, Esq. (California SBN: 198361)  
2 Thomas M. O'Connor, Esq. (California SBN: 172236)  
3 William D. O'Malley, Esq. (California SBN: 129605)  
4 O'CONNOR, RUNCKEL & O'MALLEY LLP  
5 1277 Treat Boulevard, Suite 810  
6 Walnut Creek, CA 94597  
7 Tel. (925) 939-5600  
8 Fax. (925) 939-5602

9 Attorneys for Plaintiffs

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF CONTRA COSTA

12 AMBER DUTRO, GLENDA STRIPES,  
13 SARAH DUTRO, MARTHA McKNELLY,  
14 FRANCES SMITH, and CHRISTINA MOORE

15 Plaintiffs

16 v.

17 COUNTY OF CONTRA COSTA, CALVERY  
18 OPEN BIBLE CHURCH, CITY OF ANTIOCH,  
19 ART ACOSTA, DEMETREE BARAKOS,  
20 WILLIAM DEE, JACK ROGERS, TOM  
21 POTTS, MARK WOOD, ANTHONY LEE, and  
22 ROES 11 TO 100

23 Defendants.

Case No. MSC11-02801

**FIRST AMENDED COMPLAINT FOR  
VIOLATION OF CIVIL RIGHTS [42  
U.S.C. §1983] AND STATE LAW  
CLAIMS**

**JURY TRIAL DEMANDED**

24 Plaintiffs allege claims against the above Defendants as follows:

**PARTIES**

- 25 1. Plaintiffs are AMBER DUTRO ("AMBER"), GLENDA STRIPES ("GLENDA S."), SARAH  
26 DUTRO ("SARAH"), MARTHA McKNELLY ("MARTHA"), FRANCES SMITH  
27 ("FRANCES"), and CHRISTINA MOORE ("CHRISTINA"). Plaintiffs are all adults.  
28 2. Defendant COUNTY OF CONTRA COSTA ("COUNTY") is a public entity.

LAW OFFICES  
O'CONNOR, RUNCKEL & O'MALLEY LLP  
1277 TREAT BLVD., SUITE 1277  
WALNUT CREEK, CALIFORNIA 94597

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3. Defendant CALVERY OPEN BIBLE CHURCH ("CHURCH"), Plaintiffs are informed and believe CHURCH is some type of corporate form entity.
4. Defendant CITY OF ANTIOCH is a public entity.
5. Defendant ART ACOSTA ("ACOSTA") is an individual and was at relevant times an employee of CITY OF ANTIOCH.
6. Defendant DEMETREE BARAKOS ("BARAKOS") is an individual and was at relevant times an employee of CITY OF ANTIOCH.
7. Defendant WILLIAM DEE ("DEE") is an individual and was at relevant times an employee of CITY OF ANTIOCH.
8. Defendant JACK ROGERS is an individual and was at relevant times an employee of COUNTY.
9. Defendant TOM POTTS is an individual and was at relevant times an employee of COUNTY.
10. Defendant MARK WOOD is an individual and was at relevant times employed by Defendant CHURCH.
11. Defendant ANTHONY LEE is an individual and was at relevant times employed by Defendant CHURCH.
12. ROES 11 TO 100, inclusive, are sued herein under fictitious names. Their true names and capacities are unknown to Plaintiffs. When their true names and capacities are ascertained, Plaintiffs will amend this complaint by asserting their true names and capacities herein. Plaintiffs are informed and believe and on that basis allege that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged, and that the damages as herein alleged were proximately caused by those Defendants.

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13. Plaintiffs are informed and believe and on that basis allege that at all times herein mentioned each of the Defendants herein mentioned, including ROES 11 TO 100, were agents, servants, and employees of their co-Defendants, and in doing the things hereinafter alleged were acting in the scope of their authority as such agents, servants and employees and with the permission and consent of their co-Defendants.

**SUMMARY**

14. From approximately 1982 to 2003, Zion Dutro, with the assistance of Glenda Lea Dutro, repeatedly abused Plaintiffs physically, psychologically, verbally, sexually, and failed to otherwise care for them. The physical, psychological, and verbal abuse of Plaintiffs continued after 2003 until 2008, when Zion Dutro and Glenda Lea Dutro were arrested. Plaintiffs AMBER, GLENDA S., SARAH, and MARTHA were Zion Dutro and Glenda Lea Dutro's biological children. Plaintiffs FRANCES and CHRISTINA were the foster children or relative minors in the care and custody of Zion Dutro and Glenda Lea Dutro. Plaintiffs were psychologically and physically tortured over the course of more than two decades. Collectively, they were raped and otherwise sexually abused over a thousand times since they were toddlers. They lived in abject fear of their parents. Zion Dutro sexually abused one or more of the Plaintiffs on an almost daily basis for approximately 20 years. Plaintiffs were at times deprived of food and water and use of a bathroom. They were beaten with belts and sticks. They were punched and kicked. They were also forcibly sodomized as punishment.

15. This abuse continued due to the Defendants' failure to fulfill their mandatory and ministerial duties and their deliberate indifference.

///



**THE ABUSE**

- 1
- 2 16. Plaintiffs are informed and believe that FRANCES and CHRISTINA came to live in the
- 3 home of Zion Dutro and Glenda Lea Dutro on or about 1986 and continued in that capacity
- 4 until they were 18 years old. FRANCES was approximately 3 years old and CHRISTINA
- 5 was 18 months when they came to live with Zion Dutro and Glenda Lea Dutro. After they
- 6 came to live with Zion Dutro and Glenda Lea Dutro, they were sexually abused by Zion
- 7 Dutro and physically and emotionally abused by Zion Dutro and Glenda Lea Dutro.
- 8
- 9 17. FRANCES and CHRISTINA were wards of the court and were in the custody of the
- 10 COUNTY and ROES 11 TO 100 were employees of the COUNTY who were responsible for
- 11 the supervision of FRANCES and CHRISTINA. ROES 11 to 100 had the authority and
- 12 responsibility to determine if FRANCES and CHRISTINA were being harmed by their foster
- 13 parents and the power to move them from the Dutro home if the conditions in the Dutro home
- 14 were unsafe.
- 15
- 16 18. Plaintiffs are informed and believe that no one from Contra Costa County Child Protective
- 17 Services ("CPS") or anyone else from the COUNTY (except for two visits described
- 18 below) ever visited the Dutro house or met with any of the Plaintiffs. The COUNTY failed
- 19 to have monthly face-to-face visits with FRANCES and CHRISTINA. The COUNTY
- 20 failed to have surprised visits. The COUNTY failed to have any visits at all.
- 21
- 22 19. Zion Dutro acted as an employee, volunteer, representative or agent of the CHURCH at all
- 23 times mentioned herein. Since 1995, Zion has been heavily involved in the CHURCH and has
- 24 held several positions and titles in the CHURCH, including but not limited to positions as an
- 25 Elder and an Usher, as well as positions with the Men's Ministries, Men's Breakfast, Bible
- 26 Study, Life Groups, Promise Keeper's Seminar, and the Harvest Festival. Zion Dutro also
- 27 performed extensive missionary work funded by the CHURCH. As the CHURCH's
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representative, Zion Dutro organized and managed missionary trips outside of the United States. In 2007, the CHURCH supported Zion Dutro's adoption of a family from Mexico, even though Zion was a registered sex offender and child molester at that time, as discussed in more detail below. Zion Dutro and Glenda Lea Dutro would travel to Mexico with other members of the CHURCH and visit orphanages, build houses, and visit other churches. Pastor Kent Valentine and his wife would often accompany Zion and Glenda Lea Dutro on their trips to the orphanages in Mexico, and often drove them to the CHURCH's base camp in Tijuana or pick them up at the airport in San Diego.

20. Glenda Lea Dutro also acted as an employee, volunteer, representative or agent of the CHURCH at all times mentioned herein. Since 1995, Glenda Lea Dutro held several positions in the CHURCH, including but not limited to Youth Advisor, organizing missionary work, vacation bible camp, church camps in Santa Cruz, Women's Retreat, and Youth Group. She would also teach "forgiveness" classes for the CHURCH and participated in the Harvest Festival.

21. Defendant ACOSTA also acted as an employee, volunteer, representative or agent of the CHURCH at all times mentioned herein. Since 1995, ACOSTA held several positions with the CHURCH, including but not limited to positions as an Elder and an Usher, and positions with Men's Ministries, Men's Breakfast, Bible Study, and the Promise Keeper's Seminar.

22. On or about August 2, 1995, GLENDA S. reported Zion Dutro molested her to a youth leader and two pastors at a CHURCH youth camp (Pastors MARK WOOD and Tim Zakarian) who were child care custodians. Rather than report this matter as required, MARK WOOD immediately informed Zion Dutro and Glenda Lea Dutro about the allegations. Next, MARK WOOD informed a fellow CHURCH member and Antioch Police Officer ACOSTA about the abuse. Officer ACOSTA failed to follow his mandatory

1 duty to disclose the abuse to CPS. Officer ACOSTA, instead, referred the case to Detective  
2 BARAKOS. Detective BARAKOS failed to follow his mandatory duty to disclose the  
3 abuse to CPS. On August 8, 1995, approximately six (6) days after GLENDA S.'s initial  
4 disclosure, Zion Dutro, Glenda Lea Dutro, GLENDA S., and MARK WOOD went to the  
5 Antioch Police Department for an interview with Officer DEE. Prior to conducting these  
6 interviews, Officer DEE was instructed not to arrest Zion Dutro by Detective BARAKOS.  
7 Both GLENDA S. and Zion Dutro admitted to Officer DEE during their interviews that  
8 molestations had occurred. On August 17, 1995, Detective Leroy Bloxsom called Zion  
9 Dutro and set up a second interview on August 18, 1995 at the Antioch Police Department.  
10 During this second interview, Zion Dutro admitted to molesting GLENDA S. six (6) times.  
11 At the conclusion of the interview, Zion Dutro was let go and not arrested. Finally,  
12 Detective Leroy Bloxsom reported the molestations to Pamela Day a CPS worker on  
13 August 18, 1995. This was the first CPS report made approximately sixteen (16) days after  
14 GLENDA S. disclosed the abuse. CPS arrived at the Dutro residence at approximately 4:00  
15 p.m. on August 18, 1995.

- 19 23. MARK WOOD did not report the full extent of the sexual abuse reported to him by  
20 GLENDA S. and minimized the seriousness of the abuse being suffered by Plaintiffs.  
21 MARK WOOD informed Zion Dutro of GLENDA S.'s allegations, giving him an  
22 opportunity to prepare for interviews with investigators and to intimidate Plaintiffs into  
23 denying the full extent of Zion Dutro's abuse. His actions were motivated by a desire to  
24 spare his parishioner a more serious punishment.
- 26 24. Defendants ACOSTA, DEE and BARAKOS, and MARK WOOD departed from  
27 mandatory reporting guidelines for reporting sexual abuse and basic standards of criminal  
28 investigation by permitting Zion Dutro and Glenda Lea Dutro to learn about allegations

1 before they were interviewed, as well as interviewing Plaintiffs in the presence of the  
2 perpetrators of Plaintiffs' abuse. Their investigation of GLENDA S.'s revelations was a  
3 complete departure from the standards they typically employed in response to similar  
4 allegations by other complainants.  
5

6 25. Officer ACOSTA's involvement in the CHURCH and Detective BARAKOS's order not to  
7 arrest Zion Dutro interfered with the investigation by the Antioch Police Department.

8 26. Officer ACOSTA, Detective BARAKOS, and Officer DEE's decision to not immediately  
9 report the known molestations to CPS interfered with the Antioch Police Department's  
10 investigation of this case and caused irreparable harm to Plaintiffs.  
11

12 27. From August 2, 1995 (when Pastor MARK WOOD told Zion Dutro of GLENDA S.'s  
13 disclosure) until August 18, 1995 (when CPS interviewed the Plaintiffs'), the Plaintiffs  
14 were isolated, starved, tortured, sleep deprived, and beaten in order to brainwash Plaintiffs  
15 to minimize and deny the abuse. Plaintiffs were not allowed to talk to each other or to leave  
16 their rooms except to go to the bathroom once a day. They were allowed only small  
17 amounts of bread and water, and sometimes a small piece of bologna. They were not  
18 allowed to sleep more than very short periods of time, they were repeatedly told that they  
19 would be split up and never see each other again if they told the truth to CPS about the  
20 abuse that they had endured. They were told that the two oldest Plaintiffs would be sent to  
21 juvenile hall and that the other Plaintiffs would be sent to separate places and receive even  
22 worse abuse than from their parents. They were drilled with questions and mandatory  
23 answers in preparation for the CPS interviews, and beaten for wrong answers during  
24 preparation.  
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27 28. Plaintiffs are informed and believe that representatives of CPS (COUNTY employees)  
28 JACK ROGERS and TOM POTTS visited their home in August 1995. Each of the

1 Plaintiffs were interviewed while Glenda Lea Dutro sat next to them holding their hand and  
2 squeezing their hand anytime there was a question that could implicate Zion Dutro or  
3 Glenda Lea Dutro. The interviews were conducted with Zion Dutro in the house in a  
4 position that the Plaintiffs could see him watching them. Plaintiffs were terrified and  
5 believed from the brainwashing that had occurred that their fate would be even worse if  
6 they told the truth about what had occurred. Consequently, they lied to CPS about the  
7 conduct of Zion Dutro and Glenda Lea Dutro.  
8

9 29. These interviews were conducted in a manner contrary to procedures set forth in  
10 regulations and DSS directives. Plaintiffs had very much wanted the opportunity to ask  
11 CPS what would happen to them if they had been abused and to find out if what their  
12 parents had told them was true. They never had that opportunity because none of the  
13 Plaintiffs were ever alone with any CPS worker. Moreover, during the interviews, JACK  
14 ROGERS and TOM POTTS treated Zion Dutro and Glenda Lea Dutro as the victims and  
15 blamed Plaintiffs for making the accusations.  
16

17 30. If CPS had conducted the interviews individually in 1995, Plaintiffs would have informed  
18 CPS of their physical, sexual, and psychological abuse. Plaintiffs are informed and believe  
19 that CPS never returned to the house after August 1995. This further solidified the  
20 Plaintiffs' belief that CPS had no ability to help them.  
21

22 31. Zion Dutro pled guilty to child molestation (based on isolated fondling of one plaintiff –  
23 Zion Dutro and Glenda Lea Dutro successfully concealed through fear and intimidation as  
24 well as reckless conduct by the Defendants the true abuse that had occurred, including  
25 forcible rape, sodomization and oral copulation) and was sentenced on November 1, 1995.  
26 Zion Dutro was placed on a three year of probation, registered as a sex offender, and  
27 ordered to obey all CPS orders regarding the Plaintiffs. At the beginning of his  
28

1 probationary period (approximately six months), Zion Dutro moved out of the house and  
2 into a nearby apartment. Glenda Lea Dutro also moved into the apartment with Zion  
3 Dutro. At night, Glenda Lea Dutro shuttled the Plaintiffs one by one to the apartment  
4 where Zion Dutro furnished Plaintiffs with alcohol and molested Plaintiffs. The Plaintiffs  
5 were pulled out of school and forced to live in the house with no adult supervision. The  
6 Plaintiffs had very little food and were left to fend for themselves. Zion Dutro continued to  
7 sexually, psychologically, physically, and verbally abuse the Plaintiffs during the following  
8 years. Glenda Lea Dutro continued to assist Zion Dutro's sexual abuse and both continued  
9 to otherwise abuse the Plaintiffs and fail to care for the Plaintiffs.

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12 32. Neither the Probation Department nor CPS ever did anything to prevent Zion Dutro and  
13 Glenda Lea Dutro from abusing Plaintiffs. Indeed, no one from the COUNTY did anything  
14 to protect the Plaintiffs. The COUNTY failed to follow mandatory practices, as set forth in  
15 DSS regulations and elsewhere, such as face-to-face visits every month (Regulation 30-  
16 342). Plaintiffs are informed and believe that the COUNTY never made any surprise  
17 inspections. Plaintiffs are informed and believe that the COUNTY employees that  
18 responded to referrals that one or more of Plaintiffs had been abused or were in danger  
19 were not skilled in emergency response and were not properly trained by the COUNTY.

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21 33. ROES 11 TO 100 were aware of the allegations made by GLENDA S. and the conviction of  
22 Zion Dutro and the seriousness of the threat Zion Dutro posed to the remaining Plaintiffs still  
23 living in the Dutro home. In spite of this knowledge, they took no steps to investigate the  
24 Dutro home nor did they take any steps to remove Plaintiffs, and each of them, to safe  
25 surroundings.

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27 34. Following Zion Dutro's 1995 conviction for child molestation, the COUNTY did nothing  
28 to prevent further abuse or even check on the Plaintiffs. Had even a cursory visit been

1 made to the house, the COUNTY would have likely discovered, at a minimum, that no  
2 adult was living at the house and the Plaintiffs had minimal food. Interviews of the  
3 Plaintiffs without their parents present would have disclosed extreme abuse resulting in, at  
4 a minimum, the removal of the Plaintiffs from the care and custody of Zion Dutro and  
5 Glenda Lea Dutro.  
6

7 35. The COUNTY should not have allowed Plaintiffs, particularly foster children or relative  
8 minors FRANCES and CHRISTINA, to stay with a convicted child molester.

9 36. Had the COUNTY fulfilled its mandatory duties, Plaintiffs would have avoided years of  
10 abuse.  
11

12 37. In or about 2002, the full history of abuse was reported to Pastor ANTHONY LEE, then a  
13 pastor at the CHURCH. Defendant ANTHONY LEE failed to make the required reporting  
14 of the abuse. Specifically, Plaintiff SARA reported the full history of abuse to Pastor  
15 ANTHONY LEE after voicing her concern when the CHURCH selected Glenda Lea Dutro  
16 to be an official CHURCH "Youth Advisor." The Youth Advisor serves as a liaison to the  
17 children in the congregation, and the duties included recruiting children and motivating  
18 them to be more involved in the CHURCH. As Youth Advisor, Glenda Lea Dutro hosted  
19 overnight parties with the children in the Dutro home. In response to SARA's concerns,  
20 Pastor ANTHONY LEE told SARA that, "Sins of her father do not reflect on sins of her  
21 mother." Pastor ANTHONY LEE and the CHURCH continued to allow, and in fact  
22 encouraged, Glenda Lea Dutro to serve as Youth Advisor and continue having extensive  
23 contact with children as part of her official CHURCH duties.  
24  
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26 38. In 2003, Plaintiffs SARA and CHRISTINA reported being molested by Zion Dutro to the  
27 Antioch Police Department. SARA and CHRISTINA were interviewed by Detective Mary  
28 Hooker and their interviews were video recorded at the Antioch Police Department.

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Nevertheless, the Antioch Police Department refused to arrest Zion Dutro, even though he was a registered sex offender and convicted child molester.

39. In or about 2005, Plaintiff AMBER called Pastor Kent Valentine of the CHURCH and demanded that the CHURCH stop supporting Zion Dutro's efforts to adopt a family from Mexico with several small children, because she was worried that Zion Dutro would molest them. Kent Valentine refused to listen to AMBER and instead told her, "God forgives and so should you." Outraged that the CHURCH would support the efforts of a registered sex offender and convicted child molester to adopt more children, AMBER printed out 200 copies of Zion Dutro's Megan's Law registration information and distributed them to the congregation. The CHURCH responded by protecting Zion Dutro and working to keep him in a position where he would have extensive contact with children. In particular, Pastor Valentine brought Zion Dutro in front of the entire congregation during Sunday mass and requested that all of the CHURCH members pray over Zion Dutro because of the evil cast over him by the Dutro children's lies and accusations. On this same weekend in 2005, Jana Wood, wife of Defendant MARK WOOD and speaker at the CHURCH's Women's Retreat in Lake Tahoe, brought MARTHA and Glenda Lea Dutro in front of the CHURCH members in attendance and requested the CHURCH members ignore the "demonic attacks" on Zion Dutro by his children.

40. In or about 2009, Pastor Kent Valentine of the CHURCH told Antioch Police Detective Blair Benzler that, "everyone knew Zion was on Megan's Law." Pastor Valentine also addressed the CHURCH body by saying, "it happened 10 years ago."

41. Plaintiffs are informed and believe that the CITY OF ANTIOCH is responsible for Police Officer ACOSTA, Detective BARAKOS, and Officer DEE's failure to follow their mandatory reporting obligations. The CITY OF ANTIOCH is also responsible for Police



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Officer ACOSTA, Detective BARAKOS, and Officer DEE interfering with the Antioch Police Department's investigation. These Defendants' acts and omissions were a legal cause of damage to Plaintiffs.

42. Plaintiffs are informed and believe that the COUNTY failed to properly train its employees; that the COUNTY employees failed to properly identify themselves or to reveal to any of the Plaintiffs their rights and obligations regarding the COUNTY investigation or otherwise; that the COUNTY employees failed to speak separately with any of the Plaintiffs; that the COUNTY employees were totally insensitive to the fears, apprehensions and anxieties of the Plaintiffs. Plaintiffs are informed and believe that the COUNTY and its employees violated numerous mandatory duties and were negligent in performing numerous ministerial duties, and that the COUNTY was a substantial factor and a legal cause of Plaintiffs' damages.

43. Moreover, Plaintiffs are informed and believe that had the COUNTY not failed to fulfill its duties and obligations Plaintiffs, and each of them, prior to and after 1995, it would have been able to stop the abuse to all of the Plaintiffs.

44. Plaintiffs are informed and believe that CHURCH failed to properly train and supervise Defendants MARK WOOD and ANTHONY LEE. These Defendants' acts and omissions were a legal cause of damage to Plaintiffs.

**PLAINTIFFS DISCOVERY OF POTENTIAL CLAIMS AGAINST DEFENDANTS**

45. Prior to April 15, 2011, when Zion Dutro and Glenda Lea Dutro were sentenced to prison (Zion Dutro – 300 years; Glenda Lea Dutro – 15 years) the Plaintiffs did not have the psychological or emotional capacity to comprehend, investigate or pursue a claim against the Defendants.

- 1 46. On or about the time of Zion Dutro and Glenda Lea Dutro's sentencing, Plaintiffs were  
2 asked by a newspaper reporter if they were going to sue the State.
- 3 47. On or about March 7, 2011, AMBER had interaction with CPS relating to another matter.  
4 She learned of some of the obligations of CPS. This was the first time that any Claimant  
5 suspected or had reason to suspect that the COUNTY might be responsible for the abuse  
6 they suffered at the hands of Zion Dutro and Glenda Lea Dutro. Up to that point, they had  
7 no reason to believe that CPS had done anything wrong or had any liability to Plaintiffs.  
8 Moreover, Plaintiffs believed that CPS had done nothing to help them because they had all  
9 been forced to lie to CPS. Plaintiffs previously did not know, and had no reason to know  
10 that the COUNTY had failed to fulfill its mandatory duties and was a substantial factor in  
11 causing Plaintiffs injuries and damages. FRANCES and CHRISTINA had no contact with  
12 ROES 11 TO 100 and had no reason to believe that they had any involvement in the abuse  
13 they suffered in the Dutro home.
- 14 48. Plaintiffs all suffer from severe psychological disorders from the abuse they suffered by  
15 Zion and Glenda Lea Dutro. Their disorders include but are not limited to depression,  
16 anxiety, Post-Traumatic Stress Disorder, Bipolar Disorder, and Stockholm Syndrome. All  
17 Plaintiffs have physical manifestations of their psychological disorders, including but not  
18 limited to ulcers as children, panic attacks, vomiting and nausea, loss of sleep, and  
19 migraines.
- 20 49. All Plaintiffs still fear retribution from Glenda Lea Dutro (who is eligible for parole before  
21 her 15 year sentence is finished). The Plaintiffs have already inquired on how to legally  
22 change their identities if Glenda Lea Dutro is released from Prison. Until Zion Dutro was  
23 sentenced to 300 years to life in prison on April 15, 2011 in Department 25 of the Contra  
24 Costa Superior Court, Plaintiffs all feared Zion Dutro would be released from jail.  
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Moments before the sentencing hearing AMBER got physically sick because she worried Zion Dutro would be released on a legal technicality again. None of the Plaintiffs were psychologically capable of processing or analyzing the concept that anyone other than their abusers – Zion Dutro and Glenda Lea Dutro – could be liable for their injuries.

50. In late July/early August of 2011, Plaintiffs obtained some police reports from the Antioch Police Department. Plaintiffs had never previously seen the reports. Plaintiffs learned from the reports that Defendants failed to satisfy mandatory reporting requirements; Pastor MARK WOOD immediately informed Zion Dutro and Glenda Lea Dutro about the allegations; fellow CHURCH member and Antioch Police Officer ACOSTA knew about the GLENDA S.'s disclosure; Detective BARAKOS ordered Officer DEE not to arrest Zion Dutro despite Zion Dutro's confession and GLENDA S.'s statement.

51. Until Plaintiffs read the police reports for the first time, they had no basis to suspect wrongdoing by the CITY or the COUNTY.

52. Before Plaintiffs read the police reports for the first time, they had no information that Defendants had violated their mandatory duties.

53. Before Plaintiffs read the police reports for the first time, they had no basis to suspect wrongdoing of Child Protective Services, or Defendants the CHURCH, ART ACOSTA, DEMETREE BARAKOS, WILLIAM DEE, JACK ROGERS, TOM POTTS, MARK WOOD or ANTHONY LEE.

54. Plaintiffs have still not been given access to all of the relevant police reports of the Antioch Police Department, which would have alerted them to wrongdoing by the CITY, its employees, and other Defendants. In late 2003, Plaintiff SARA attempted to obtain copies of all police reports related to Zion Dutro at the Antioch Police Department. The Antioch

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Police Department did not release any records to her. To date, the Antioch Police Department has refused to release the police reports from 2003.

55. In addition, during the criminal prosecution of Zion Dutro and Glenda Lea Dutro, prosecutors from the Contra Costa District Attorney's Office and police officers from the Antioch Police Department told Plaintiffs not to discuss the case with anyone until the criminal prosecution against their parents ended.

56. Prosecutors from the Contra Costa District Attorney's Office and Antioch Police Department also told Plaintiffs not to read the police reports because doing so could influence their testimony while the criminal prosecution against Zion Dutro and Glenda Lea Dutro was pending.

57. It was only after the criminal sentencing of Zion Dutro and Glenda Lea Dutro in April 2011 did the social media alert Plaintiffs that entities other than Zion Dutro and Glenda Lea Dutro could be responsible for the sexual, physical, and psychological abuse they suffered. Plaintiffs investigated their potential claims against other parties as soon as they reasonably could do so, given the severe physical and emotional trauma they suffered and lack of access to the police reports and other relevant information. Plaintiffs promptly contacted an attorney once they realized that the psychological injuries they suffered in their adulthood were caused by the abuse, and once they realized that Defendants' failure to follow their mandatory duties could have prevented the abuse from continuing.

58. It was the abuse that the Defendants allowed to continue that inhibited Plaintiffs' ability to realize that they had potential claims against Defendants.

59. The claims against the COUNTY and its employees did not accrue before April 2011. The claims against the other Defendants did not accrue before July 2011.

**DAMAGES**

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2 60. Plaintiffs' damages include past and future medical bills, past and future lost income and  
3 earning capacity, emotional distress, physical and mental pain and suffering, permanent  
4 psychological damage, as well as other special and general damages.  
5

6 61. All Plaintiffs suffer from severe psychological disorders from the abuse they suffered by  
7 Zion and Glenda Lea Dutro. Their disorders include but are not limited to depression,  
8 anxiety, Post-Traumatic Stress Disorder, Bipolar Disorder, and Stockholm Syndrome. All  
9 Plaintiffs have physical manifestations of their psychological disorders, including but not  
10 limited to ulcers as children, panic attacks, vomiting and nausea, loss of sleep, and  
11 migraines.  
12

13 62. Plaintiffs were regularly battered by Zion Dutro resulting in severe physical injuries  
14 including, but not limited to stitches, sutures, broken bones, dislocated thumb, sprains,  
15 bruised spinal cord, laceration to head, internal bleeding, shooting pains in abdomen, chest  
16 and face injuries, abrasions to face, contusions and lacerations to lower pelvis area, and  
17 excessive vaginal bleeding.  
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**FIRST CLAIM FOR RELIEF**

20 **CIVIL RIGHTS VIOLATIONS (§1983) (BY PLAINTIFFS AMBER, GLENDA S., SARAH,**  
21 **MARTHA, FRANCES AND CHRISTINA AGAINST COUNTY, JACK ROGERS, TOM**  
22 **POTTS AND ROES 11 TO 100)**  
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24  
25 63. All previous allegations are incorporated by reference as if set forth in full.

26 64. ROES 11 TO 100 were aware of a serious risk of the physical, emotional and sexual injury  
27 to AMBER, GLENDA S., SARAH, MARTHA, FRANCES and CHRISTINA, but by their  
28 actions and inactions, they were deliberately indifferent to the risk of harm. ROES 11 TO

LAW OFFICES  
O'CONNOR, RUNCKEL & O'MALLEY LLP  
1277 TREAT BLVD., SUITE 1277  
WALNUT CREEK, CALIFORNIA 94597

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100 thereby violated due process. Defendant COUNTY is liable, under 42 U.S.C. § 1983, for the violation of Plaintiffs' constitutional rights in that:

- a. The COUNTY failed to maintain adequate policies or conduct adequate training to prevent violations of the due process rights of citizens. Violations such as the one inflicted on Plaintiffs were an obvious risk of the procedures adopted by the COUNTY and its policymakers. The COUNTY's actions and omissions constitute deliberate indifference.
- b. The COUNTY was deliberately indifferent to the demonstrated propensity of ROES 11 TO 100 to violate the constitutional rights of citizens in the manner that Plaintiffs' rights were violated.

65. Defendants' conduct was a legal cause of damages to Plaintiffs.

**SECOND CLAIM FOR RELIEF**  
**CIVIL RIGHTS VIOLATIONS (§1983) (BY PLAINTIFFS AMBER, GLENDA S., SARAH, MARTHA, FRANCES AND CHRISTINA AGAINST CITY OF ANTIOCH, ACOSTA, BARAKOS, DEE AND ROES 11 TO 100)**

- 66. All previous allegations are incorporated by reference as if set forth in full.
- 67. Defendants ACOSTA, BARAKOS and DEE's affirmative conduct increased the risk of physical, emotional and sexual violence by Zion Dutro on the Plaintiffs. Their conduct shocks the conscience and violates due process.
- 68. Defendants ACOSTA, BARAKOS and DEE's aided and abetted the infliction of physical, emotional and sexual abuse by Zion Dutro on the Plaintiffs. Defendants ACOSTA, BARAKOS and DEE aided and abetted Defendant MARK WOOD in concealing the

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physical, emotional and sexual abuse Plaintiffs were suffering. Their conduct shocks the conscience and violates due process.

69. Defendants ACOSTA, BARAKOS and DEE entered into a conspiracy with Defendant MARK WOOD with the intent of violating the constitutional rights of Plaintiffs.

70. Defendant CITY OF ANTIOCH is liable, under 42 U.S.C. § 1983, for the violation of Plaintiff's constitutional rights in that:

a. The CITY OF ANTIOCH failed to maintain adequate policies or conduct adequate training to prevent violations of the due process rights of citizens. Violations such as the one inflicted on Plaintiffs were an obvious risk of the procedures adopted by the CITY OF ANTIOCH and its policymakers. The CITY OF ANTIOCH's actions and omissions constitute deliberate indifference.

b. The CITY OF ANTIOCH was deliberately indifferent to the demonstrated propensity of ACOSTA, BARAKOS and DEE to violate the constitutional rights of citizens in the manner that Plaintiffs' rights were violated.

71. Defendants' conduct was a legal cause of damages to Plaintiffs.

**THIRD CLAIM FOR RELIEF**  
**CIVIL RIGHTS VIOLATIONS (§1985) (BY PLAINTIFFS AMBER, GLENDA S., SARAH, MARTHA, FRANCES AND CHRISTINA AGAINST CITY OF ANTIOCH, ACOSTA, BARAKOS, DEE AND ROES 11 TO 100)**

72. All previous allegations are incorporated by reference as if set forth in full.

73. Defendants ACOSTA, BARAKOS, DEE and ROES 11 TO 100 conspired for the purpose of depriving Plaintiffs of equal protection of the laws, or equal privileges and immunities under the laws.

1 74. Defendant CITY OF ANTIOCH is liable, under 42 U.S.C. § 1985, for the violation of  
2 Plaintiffs' constitutional rights in that:

- 3 a. The CITY OF ANTIOCH failed to maintain adequate policies or conduct adequate  
4 training to prevent violations of the due process rights of citizens. Violations such as  
5 the one inflicted on Plaintiffs were an obvious risk of the procedures adopted by the  
6 CITY OF ANTIOCH and its policymakers. The CITY OF ANTIOCH's actions and  
7 omissions constitute deliberate indifference.  
8  
9 b. The CITY OF ANTIOCH was deliberately indifferent to the demonstrated propensity  
10 of ACOSTA, BARAKOS and DEE to violate the constitutional rights of citizens in  
11 the manner that Plaintiffs' rights were violated.  
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13 75. Defendants' conduct was a legal cause of damages to Plaintiffs.  
14

15 **FOURTH CLAIM FOR RELIEF**

16 **CIVIL RIGHTS VIOLATIONS (§1986) (BY PLAINTIFFS AMBER, GLENDA S., SARAH,**  
17 **MARTHA, FRANCES AND CHRISTINA AGAINST CITY OF ANTIOCH, ACOSTA,**  
18 **BARAKOS, DEE AND ROES 11 TO 100)**  
19

20 76. All previous allegations are incorporated by reference as if set forth in full.

21 77. Defendants ACOSTA, BARAKOS, DEE and ROES 11 TO 100 had knowledge of the  
22 wrongs being conspired to be done to the Plaintiffs and had the power to prevent or aid in  
23 preventing the wrongs and neglected or refused to do so.  
24

25 78. Defendant CITY OF ANTIOCH is liable, under 42 U.S.C. § 1986, for the violation of  
26 Plaintiffs' constitutional rights in that:

- 27 a. The CITY OF ANTIOCH failed to maintain adequate policies or conduct adequate  
28 training to prevent violations of the due process rights of citizens. Violations such as



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the one inflicted on Plaintiffs were an obvious risk of the procedures adopted by the CITY OF ANTIOCH and its policymakers. The CITY OF ANTIOCH's actions and omissions constitute deliberate indifference.

b. The CITY OF ANTIOCH was deliberately indifferent to the demonstrated propensity of ACOSTA, BARAKOS and DEE to violate the constitutional rights of citizens in the manner that Plaintiffs' rights were violated.

79. Defendants' conduct was a legal cause of damages to Plaintiffs.

**FIFTH CLAIM FOR RELIEF**

**STATE LAW CLAIMS (BY PLAINTIFFS AMBER, GLENDA S., SARAH, MARTHA, FRANCES AND CHRISTINA) AGAINST COUNTY, JACK ROGERS, TOM POTTS AND ROES 11 TO 100**

80. All previous allegations are incorporated by reference as if set forth in full.  
81. The conduct of the COUNTY breached duties owed to Plaintiffs and ROES 11 TO 100 including mandatory duties, and was a substantial factor in causing damages to Plaintiffs.

**SIXTH CLAIM FOR RELIEF**

**STATE LAW CLAIMS (BY PLAINTIFFS AMBER, GLENDA S., SARAH, MARTHA, FRANCES AND CHRISTINA) AGAINST CHURCH, MARK WOOD, ANTHONY LEE, ACOSTA, AND ROES 11 TO 100**

82. All previous allegations are incorporated by reference as if set forth in full.  
83. The conduct of the CHURCH negligently breached duties owed to Plaintiffs and was a substantial factor in causing damages to Plaintiffs.

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**SEVENTH CLAIM FOR RELIEF**

**STATE LAW CLAIMS (BY PLAINTIFFS AMBER, GLENDA S., SARAH, MARTHA, FRANCES AND CHRISTINA) AGAINST CITY OF ANTIOCH, ACOSTA, BARAKOS,**

**DEE**

**AND ROES 11 TO 100**

- 84. All previous allegations are incorporated by reference as if set forth in full.
- 85. The conduct of the CITY OF ANTIOCH Defendants breached duties owed to Plaintiffs and was a substantial factor in causing damages to Plaintiffs.

**STATE LAW TORT CLAIMS ACT**

- 86. The tort claim against COUNTY was timely filed on August 26, 2011, and rejected by COUNTY on August 31, 2011. The tort claim against CITY OF ANTIOCH was timely filed on October 12, 2011, and the CITY OF ANTIOCH failed to act by November 28, 2011, thereby rejecting the claim.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for relief as follows:


- 1. For judgment in their favor as to all claims for relief;
- 2. For compensatory damages, including general and special damages, in an amount according to proof;
- 3. For attorney fees pursuant to 42 U.S.C. §1988;
- 4. For punitive damages;
- 5. For all further relief as the Court deems just and proper.

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Respectfully submitted,

Dated: May 7, 2012

O'CONNOR, RUNCKEL & O'MALLEY

By: 

JASON RUNCKEL  
Attorney for Plaintiffs

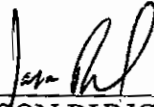
**DEMAND FOR JURY TRIAL**

Plaintiffs request and demand a trial by jury.

Respectfully submitted,

Dated: May 7, 2012

O'CONNOR, RUNCKEL & O'MALLEY

By: 

JASON RUNCKEL  
Attorney for Plaintiffs